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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/748,845
Filing Date: December 29, 2003
Appellant(s): BARRETT ET AL.

Brad Y. Chin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/6/2008 appealing from the Office action mailed 3/16/2007.

(1) Real Part in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020038371

Spacey

3-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Spacey (U.S. Patent Publication 2002/0038371). For clarification of what HTTPS is please refer to additional references cited.

For claim 1, Spacey teaches, a network device for managing a communication over a network, comprising:

a transceiver configured to send and to receive the communication over the network; (Spacey, paragraph 16, VPN)

a processor, coupled to the transceiver, that is configured to:

receive a proxy request from a client through a secure tunnel; (Spacey, paragraph 16, VPN)

modify the proxy request to include a security attribute, inherent from the secure tunnel; (Spacey, paragraphs 122-123, SSL)

and forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel. (Spacey, paragraph 123, SSL send)

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For claim 2, Spacey teaches, the network device of claim 1, wherein modifying the proxy request further comprises including a security header with the proxy request.

(Spacey, paragraph 73, 123, SSL)

For claim 3, Spacey teaches, the network device of claim 1, wherein the security attribute further comprises at least one of an internet protocol (IP) address associated with the client, a security property associated with the secure tunnel, a public key certificate, a security credential associated with the client, access control data configured to enable the client access to a content server, a session identifier, and an identifier associated with the secure tunnel. (Spacey, paragraph 114, 117, key)

For claim 4, Spacey teaches, the network device of claim 1, wherein the proxy request is an hypertext transport protocol (HTTP) proxy request. (Spacey, paragraph 95, HTTP)

For claim 5, Spacey teaches, the network device of claim 1, wherein the secure tunnel further comprises at least one of a secure sockets layer (SSL) tunnel, a transport layer security (TLS) tunnel, hyper text transport protocol (HTTP) Secure (HTTPS), Tunneling TLS (TTLS), and an extensible authentication protocol (EAP) secure tunnel. (Spacey, paragraph 123, SSL)

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For claim 6, Spacey teaches, the network device of claim 1, further comprising receiving an hyper text transport protocol secure (HTTPS) communication to enable the secure tunnel. (Spacey, paragraph 123, SSL)

Claims 7-28 list all the same elements of claims 1-6, addressing the same invention. Therefore, the supporting rationale of the rejection to claims 1-6 applies equally as well to claims 7-28.

(10) Response to Argument

In response to arguments directed to claim 1:

Appellant argues the cited prior art Spacey, it appears appellant has manipulated the prior arts away from there original teaching in appellant's arguments. The prior art Spacey discusses in paragraph 16 a VPN which differs from existing VPN protocols like L2TP, but still is a VPN. The use of the VPN is inherently a tunnel, which is a large dismissal the appellant has made of the prior art of record. Since appellant has argued every feature of claim 1 for purposes of clarity examiner will discuss the application of the prior art to claim 1.

Claim 1, recites "a network device for managing a communication over a network, comprising," in paragraphs 16 and 17 Spacey teaches the use of a VPN(tunnel) from network to network, machine to machine and machine to network, therefore Spacey anticipates this feature.

Claim 1, goes on to recite, "a transceiver configured to send and to receive the communication over the network;" as again examiner relies upon paragraph 16 and 17 which teach the VPN tunnel and the machine disclosed contains the transceiver.

Further, claim 1 recites, "a processor, coupled to the transceiver, that is configured to: receive a proxy request from a client through a secure tunnel;" examiner again utilizes paragraphs 16 and 17 since they discuss a VPN which is a secure tunnel and in figure 7 Spacey show a proxy client which is connected to the VPN network.

Fifthly claim 1 recites, "modify the proxy request to include a security attribute, inherent from the secure tunnel;" here Spacey teaches in paragraph 122-123 adding to security attribute to proxy request in SSL, therefore anticipating the security attribute.

Lastly claim 1 recites, " and forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel." Again Spacey in paragraph 16 and 17 discuss the VPN network which is connected to the proxy client which adds SSL security to communication in paragraph 122 and 123. Also figure 7 provides additional clarification.

Appellant goes on to argue that Spacey does not teach "modifying the datagram with security attribute inherent from the secure tunnel and then forwarding a modified datagram" this is incorrect Spacey teaches the VPN connection which makes use of encryption for communication through the proxy client. (paragraph 117)

Appellant goes on to argue the Spacey in paragraph 16 teaches away, appellant is misinterpretation the prior art of record and reading only a limited portion of the cited prior art, in the same paragraph Spacey goes to state his use of the VPN (inherently a

tunnel). (paragraph 16) Additionally the rejection presented is 102 rejection and not combination has been made.

Lastly appellant repeats the argument of modifying datagram with inherent secure which is discusses in Spacey paragraph 117 via the proxy client and is shown in figure 7.

In response to arguments directed to claim 2-6:

Appellant relies upon argument addressed above by the examiner, therefore claim 2-6 also fails to distinguish from the prior art of record.

In response to arguments directed to claim 7:

Appellant for claim 7 relies upon the same arguments presented for claim 1. Again appellant misrepresent the prior art of record and therefore response to arguments presented above apply equally as well to claim 7.

In response to arguments directed to claim 8-9:

Appellant relies upon argument addressed above by the examiner, therefore claim 8-9 also fails to distinguish from the prior art of record.

In response to arguments directed to claim 10:

Appellant for claim 10 relies upon the same arguments presented for claim 1. Again appellant misrepresent the prior art of record and therefore response to arguments presented above apply equally as well to claim 10.

In response to arguments directed to claim 11-17:

Appellant relies upon argument addressed above by the examiner, therefore claim 11-17 also fails to distinguish from the prior art of record.

In response to arguments directed to claim 18:

Appellant for claim 18 relies upon the same arguments presented for claim 1. Again appellant misrepresent the prior art of record and therefore response to arguments presented above apply equally as well to claim 18.

In response to arguments directed to claim 19-26:

Appellant relies upon argument addressed above by the examiner, therefore claim 19-26 also fails to distinguish from the prior art of record.

In response to arguments directed to claim 27:

Appellant for claim 27 relies upon the same arguments presented for claim 1. Again appellant misrepresent the prior art of record and therefore response to arguments presented above apply equally as well to claim 27.

In response to arguments directed to claim 28:

Appellant relies upon argument addressed above by the examiner, therefore claim 28 also fails to distinguish from the prior art of record.

In conclusion

Appellant has not presented any argument that overcome the prior art of record and appellant merely has cut and pasted the same argument for all the independent claim which the examiner has responded to.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/AB/

Ajay Bhatia

Conferees:

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145

/Rupal D. Dharial

Supervisory Patent Examiner, Art Unit 2141